IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION No. 17272 of 2004

Between:

Yelle Kishan, S/o. Late Y. Pichaiah,
R/o. H.No. 3-8-16, Kanchari Bazar, Suryapet,

Nalgonda District.

..... PETITIONER

AND

1 The State Bank of Hyderabad, Region-III Zonal Office, rep by

Authorised Officer, Regional Manager, Hyderabad.
2 The State Bank of Hyderabad (ADB), rep by its Branch Manager,

Suryapet, Nalgonda District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ more in the nature of Writ of Mandamus declaring the action of the respondents in giving auction sale notification in the daily new paper "THE HINDU" dated 16-9-2004 in respect of the properties bearing D.No. 3-8-16, Kanchar Bazar, and D.No. 3-6-126, Rajeev Nagar of Suryapet of Nagonda District without taking into consideration of the Joint Meeting deliberation held at Secretariat, Hyderabad and subsequent proceedings by the authorities as illegal, arbitrary and violative of Art. 14 of the Constitution of India and consequently direct the respondents not to proceed with the auction sale process till the finalisation of the deliberations by the authorities for Revival and Rehabilitation of sick Small Scale Industrial Units.

Counsel for the Petitioner : Mr.C.YADAGIRI

Counsel for Respondent : Mr.A.VENKATESWARA SARMA

The Court made the following :

ORDER:

Heard the learned counsel for petitioner and the learned counsel for respondents.

The petitioner earlier filed W.P.No.4799 of 2004 questioning the sale of immovable properties and the provisions of Securitisation and Reconstruction of Financial Assets Act, 2002 and the Security (Enforcement) Rules, 2002 and the Division Bench of this Court dismissed the said writ petition by order dated 21.4.2004 holding that on measures having been taken under sub-section (4) of Section 13 and before the date of sale/auction of the property, it would be open for the borrower to file an appeal (petition) under Section 17 of the Act before the Debt Recovery Tribunal.

The petitioner in the present writ petition seeks direction not to proceed with the auction sale process, which is the very same subject matter of W.P.No.4799 of 2004.

The writ petition is, therefore dismissed. No costs.

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A.GOPAL REDDY, J

Date: 13.10.2004

DA

To

1 The Regional Manager, State Bank of Hyderabad, Region-III Zonal

Office, Authorised Officer, Regional Manager, Hyderabad.
2 The Branch Manager, State Bank of Hyderabad (ADB),

Suryapet, Nalgonda District.

3 Two CD copies.